



CITY OF MEMPHIS

COUNCIL AGENDA

December 16, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (December 2, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of Olive Street for Reverend Dr. Van Ford, Jr.

Fullilove

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the east side of S. Perkins Road; +/-241 feet north of Spottswood Avenue, containing 1.35 acres and is currently governed by P.D. 00-333.

Hedgepeth

Case No. PD 08-322

Applicants: Frank N. Stanley, III & Harry Day
Farris, Bobango, Branana, PLC-Homer Branana, III –
Representative

Request: Planned development amendment to allow a restaurant with a maximum seating capacity of seventy-five(75) seats

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

41 NOTICES WERE MAILED ON DECEMBER 5, 2008

3. RESOLUTION approving a planned development located on the north side of Tournament Drive; +1,070 feet west of Hacks Cross Road, containing 27.4 acres in the Agricultural Flood Plain (AG{FP}) District.

Hedgepeth

Case No. PD 08-323

Applicant: Clark & Clark (Ben Clark)
ETI Corporation (Ralph Smith) – Representative

Request: Amend Part of Area D and all of Area E to permit Multi-Family Residential

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

59 NOTICES WERE MAILED ON DECEMBER 5, 2008

4. RESOLUTION approving a planned development located on the northwest corner of Mulberry Street and Talbot Street, containing 0.30 acre in the South Main (SM) and Historic Preservation [HP] Districts.

Hedgepeth

Case No. PD 08-325

Applicant: Michael Kisber
Ron Harkavy – Representative

Request: A Planned Development to permit the storage of classic automobiles in the existing building; and setup an area for future development as mixed use commercial, office and/or residential

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

211 NOTICES WERE MAILED ON DECEMBER 5, 2008

5. RESOLUTION approving a special use permit located on the southeast corner of Millbranch Road and Kilarney Avenue, containing 1.64 acres in the Single Family Residential (R-S8) District.

Hedgepeth

Case No. SUP 08-222

Applicant: Alex & Irene Howard

Request: Site Plan Revision for Day Care Center

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

86 NOTICES WERE MAILED ON DECEMBER 5, 2008

DIVISION OF PLANNING & DEVELOPMENT

6. RESOLUTION requesting the Memphis and Shelby County Office of Planning and Development to assist the University Neighborhoods Development Corporation in the development of an Overlay Zoning District in the University District.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

7. **ORDINANCE** rezoning the south side of Overton Park Avenue; +114.58 feet west of Hawthorne Street, containing 0.3932 acre in the Single Family Residential (R-S8) District, up for F I R S T reading.

Hedgepeth

Ordinance No. 5290

Case No. Z 08-116

Applicants: Mr. & Mrs. Caleb Sweary
Askew Hargraves Harcourt & Associates – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

8. **ORDINANCE** rezoning the west side of Warford Street; ±151 feet north of Heard Avenue, containing 13.74 acres in the Vacant land area ~ Local Commercial (C-L) District, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5289

Case No. Z 08-112

Applicant: Shelby County Government
Shelby County Government – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

9. RESOLUTION approving BELWIN CENTER C-P, PHASE 8, and authorizing release of bond.

Case No. Z 95-143
(Contract No. CR-5100)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Winchester Rd., east of Elvis Presley Blvd. The standard improvement contract was approved on November 6, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$59,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting DAVIES MANOR SUBDIVISION, and authorizing release of bond.

Case No. S 05-007cc
(Contract No. CR-4978)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Davies Plantation Road and Davies Manor Drive. The standard improvement contract was approved on 10/11/2005. Resolution also authorizes the release of the performance bond in the amount of \$185,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of PERIMETER PARK SUBDIVISION.

Case No. S 07-008

Resolution approves the final plat located on the northside of I-240, west of Getwell Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

12. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 08-610 – LINDEN AVENUE ALLEY CLOSURE

Beginning at the south side of Linden Avenue, containing 1,650 square feet and 163' X 10' (Length X Width of R.O.W.), in the Single Family Residential (R-S6)

Historic Conservation (HC) District

Applicant: Grace St. Luke's Episcopal Church
Askew, Hargraves, Harcourt, and Associates, Inc. –Representative

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 6, 2009



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MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11300, Drilled Pier Foundation Installation Substation 86 Cut-In, to McKinney Drilling in the funded amount of \$191,130.00.
14. RESOLUTION approving Change No. 8 to Contract No. 10858, All Risk Property Insurance, with Factory Mutual Insurance in the funded amount of \$92,323.00.
15. RESOLUTION approving Change No. 5 to Contract No. 10976, Line Clearance, with Bean and Prince Contractors, Inc. in the funded amount of \$1,496,826.80. (This renews the contract for the fourth and final renewal term, December 23, 2008 to December 24, 2009.)
16. RESOLUTION approving Change No. 7 to Contract No. 11018, Trash Removal Services, with Waste Connections, Inc. in the funded amount of \$155,414.08. (This renews the contract for the fourth and final renewal term, January 1, 2009 to December 31, 2009.)
17. RESOLUTION awarding contract for six coupling capacitor voltage transformers to Areva/Ritz in the amount of \$35,880.00.
18. RESOLUTION awarding contract for one directional boring system to Vermeer Mid-South in the amount of \$241,720.00.
19. RESOLUTION awarding contract for two cargo mini-vans to Cardinal Chrysler Jeep Dodge in the amount of \$35,272.30.
20. RESOLUTION awarding contract for approximately 1,500 gas service assembly risers to CGS, Inc. in the amount of \$243,030.00 approximately.
21. RESOLUTION awarding contract for 10 substation capacitor banks to WESCO Distribution, Inc. in the amount of \$661,288.00.

22. RESOLUTION awarding contract for vacuum excavation systems as follows:

Ditch Witch Mid-South.....	\$35,960.24
Vermeer Mid-South.....	<u>31,800.00</u>
Total.....	<u>\$67,760.24</u>

23. RESOLUTION recommending the approval to offer a salary of up to \$150,000.00 annually for the position of Vice President, Human Resources.



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REGULAR AGENDA

24. APPOINTMENTS

Flinn

Memphis and Shelby County Airport Authority

Reappointment

John W. Stokes, Jr.

GENERAL ORDINANCES – THIRD AND FINAL READING

25. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance, as amended, through June 16, 2009, up for T H I R D and F I N A L reading.
Lowery Ordinance No. 5286

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** to amend previous Ordinance No. 4388, codified as City Code, Title 6, Chapter 6-92, Section 6-92-1, ET SEQ., so as to revise Section 6-92-11, Subsection (A) to allow said Title 6, Chapter 6-92 to remain in full and effect until June 30, 2009, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5287

ACTION REQUESTED: Take whatever action Council deems advisable

27. **ORDINANCE** to establish Meeting Dates for City Council Meetings in 2009, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5288

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

28. RESOLUTION appropriating \$900,000.00 for the FY 09 CIP Project Oracle Human Resource Management System Position Control.

Collins

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION appropriating \$1,500,000.00 for the FY09 CIP Project Traffic Violation System.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

30. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring \$323,160.00 funds from Fire Station Repair, Project Number FS02001 to Fire Station #22, Project Number FS02010. The resolution also appropriates \$3,323,160.00 funded by G.O. Bonds-General in Fire Station #22, Project Number FS02010. Contract Construction.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

31. RESOLUTION authorizing the sale of City owned Property, located at Hale and Tillman in the Binghampton Area, in the amount of \$1.00. 19 Parcels to Lakeview Estates, LP. (03702900002) (03702900003) (03702900004) (03702900005) (03702900008) (03702900009) (03702900010) (03702900011) (03703200005) (03703200006) (03703200007) (03703200010) (03703200011) (03703200012)(03703200013) (03703200014) (03703200015) (03703200017) (03703200018) (Held from 12/2)

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION authorizing the sale of City owned property located at Tchulahoma (07308800108) in the South Memphis Area to Live Life Development LLC in the amount of One Dollar (\$1.00). (Held from 12/2)

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION authorizing the sale of City owned property located at 935 Leath (00270120006), 955 Leath (02701200019), 965 Leath (02701000027), 963 Leath (02701000028), 953 Leath (02701200002), 947 Leath (02701200003) and 943 Leath (02701200004), in the North Memphis Area to Live Life Development LLC in the amount of One Dollar (\$1.00). (Held from 12/2)

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

PARK SERVICES

34. RESOLUTION including Zoo Major Maintenance, CIP Project Number PK09002, as part of the FY 2009 Capital Improvement Program. The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriation. The resolution seeks to appropriate \$250,000.00 in construction funds, funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

35. RESOLUTION approving the completion of plans and specifications and taking of bids for the Police Academy Renovations, CIP Project Number PD01006, as part of the FY 09 Capital Improvement Program at an estimated construction cost of \$600,000.00 funded by G.O. Bonds General.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving the completion of plans and specifications and taking of bids for the Crump Station, CIP Project Number PD04013, as part of the FY 09 Capital Improvement Program at an estimated construction cost of \$4,032,000.00 funded by G.O. Bonds General.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

37. RESOLUTION approving a lease agreement with DeLine Farms Partnership as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on October 16, 2008.

Collins

Contract No. CR-5130

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION appropriating \$39,775.00 (50% of \$79,550.00 of contracts awarded) for Fiscal Year 2009 CIP project #PS02022 Convention Center Overhaul HVAC. This resolution funds refurbishes seven critical HVAC pumps that supply the Center with heating and air conditioning.

Collins

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

39. RESOLUTION amending the FY 2009 Operating Budget to increase the charges for services established for the State of Tennessee Highway Maintenance contract due to a rate increase of \$56,461.66. Resolution also appropriates funds for services provided by City of Memphis Divisions of Public Works (\$11,500.89), Engineering (\$33,456.88) and Community Enhancement (\$11,500.89) for a total amount of \$56,461.66.

Morrison.

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

40. RESOLUTION amending the Fiscal Year 2009 O&M Budget to appropriate a one-time, gratuitous, non-recurring appropriation of \$2.4 million for Memphis City Schools to assist with the funding needs of Memphis Literacy Corp and the Summer Reading Clinic. (Held from 11/4;11/18; 12/2)

Halbert

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

12. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

B. Case No. PD 08-315 – GAMEDAY SPORTSPLEX PLANNED DEVELOPMENT

Located on the southeast corner of Fischer Steel Road and Herbert Road, +/-1,500' west of Germantown Parkway containing 25.62 acres in the Heavy Industrial (I-H) District.

Applicant: Cordova Development Group, Inc.
Frank Fitzgerald/Mark Davis – Representative

Request: A Mixed Use Sports Complex to include Basketball and Hockey Arenas, Hotel, Restaurants, Retail Commercial and Training Space

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 6, 2009

41. RESOLUTION requesting Human Resources in conjunction with Police Services to provide incentives for police recruitment.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION accepting recommendations of the Financial Agreements Ad Hoc Committee to terminate the contract between the City of Memphis and the County of Shelby for the operation of the Memphis & Shelby County Health Department and requests the Administration to send notice to Shelby County government by December 31, 2008.

Halbert

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION to accept and appropriate grant funds in the amount of \$4 million from the U.S. Department of Housing and Urban Development to reduce lead-based paint hazards.

Ford

ACTION REQUESTED: Adopt the resolution

ADD-ONS

44. RESOLUTION approving a use variance located on the southside of Bickford Avenue; +116 feet west of N. Seventh Avenue, containing 1.13 acres in the Moderate Density Residential (MDR) District.

Hedgepeth

Case No. UV 08-10

Applicant: Oasis of Hope, Inc. (Terry Hoff)/April Woods Apartments II, L.P.
(Carl Mabry)
Carl Mabry – Representative

Request: Amend the prior Use Variance (U.V. 06-14) to permit the re-location of the parking lot from Fifth Street to Seventh Street

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 – Approved
3. Held to January 6, 2009
4. Approved
5. Approved, as amended
6. Through 11 – Approved
12. Public Hearing set for January 6, 2009
13. Through 40 – Approved
41. Approved, as amended
42. Through 44 – Approved

ACTION TAKEN ON THE MINUTES OF DECEMBER 2, 2008 with the following motion:

Approved, as amended. Item #2, Ordinance #5284, Payday Loan Establishment and Title Loan Establishments, was pulled from the minutes and will go back to Committee on January 6, 2009 and back on the agenda

ACTION TAKEN ON THE MINUTES OF DECEMBER 16, 2008 for Items 26, 31, 32, 33, 42, 43 and 44 only:

Approved